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State of Connecticut **REGULATION** of

NAME OF AGENCY

OFFICE OF THE TREASURER

Concerning

SUBJECT MATTER OF REGULATION

DESCRIPTION OF ORGANIZATION; PERSONAL DATA; DISCLOSURE OF THIRD PARTY FEES; COMBINED INVESTMENT POOL; COMBINED INVESTMENT FUND; CONNECTICUT HIGHER EDUCATION TRUST

Section 1. Sections 3-11-1 to 3-11-5, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 3-11-1. Duties and authority of the [office of the treasurer] Office of the Treasurer

The duties and authority of the Office of the Treasurer are primarily set out in Article Four, Section 22 of the Connecticut Constitution and in Title 3 of the Connecticut General Statutes. The Treasurer is responsible for the safe custody of the property and money belonging to the State. The Treasurer receives all monies belonging to the State, makes disbursements as directed by Statute, and manages, borrows, and invests all funds for the State. The Treasurer oversees an an [large] investment portfolio of pension assets[, as well as serving] and serves as [sole] principal fiduciary of all state trust funds as defined in section 3-13c of the Connecticut General Statutes. The Treasurer is the custodian of the Second Injury Fund and operates the State's unclaimed property program. The Treasurer serves as Trustee of the Connecticut Higher Education Trust established pursuant to section 3-22g of the Connecticut General Statutes.

Sec. 3-11-2. Basic organization

The Office of the Treasurer consists of [~~five~~] six divisions which are as follows:

(1) **The Executive Office of the Treasurer** [~~includes the Treasurer, the Deputy Treasurer, an Assistant Treasurer and executive and administrative assistants, and~~] has responsibility for policy-setting, investor and corporate relations, legal, compliance and legislative affairs, financial reporting, public education and information, [~~and~~] the administration of all internal department functions, including human resources, business and office services, information technology and special project planning, and the administration of the [~~Unclaimed Property Program, by which the Treasurer holds all property, real and personal, left unclaimed by its owners~~] Connecticut Higher Education Trust, the State's college savings plan qualified under section 529 of the United States Internal Revenue Code.

(2) **The Pension Funds Management Division** [~~Investment Division, under the direction of an Assistant Treasurer~~] manages the State's multi-billion dollar pension and trust funds portfolio [~~manages and invests temporarily surplus cash from all sources, and administers the Secondary Market for Student Loans, under which the Treasurer may purchase federally subsidized student loans guaranteed by the Connecticut Student Loan Foundation~~].

(3) **The Cash Management Division [and Information Services**, under the direction of an Assistant Treasurer,] has responsibility for cash accounting and reporting, cash positioning and forecasting, bank and fund reconciliation, bank administration and check processing, [~~as well as data processing and information services~~] and managing the Short-Term Investment Fund and other combined investment pools.

(4) **The Debt Management Division**[, under the direction of an Assistant Treasurer,] administers the State's bond and debt financing program, including the sales of [~~state~~] State bonds.

(5) **The Second Injury Division**[, under the direction of an Assistant Treasurer,] administers the Second Injury Fund, [is] a worker's compensation program for (1) employees with a pre-existing condition who sustain an injury on the job that results in a material worsening of the

condition and (2) employees who have received an award of compensation but whose employer or employer's insurer fails or is unable to pay.

(NEW) (6) **The Unclaimed Property Division** is responsible for administration of the State's unclaimed property program, which includes collection and custody of assets whose rightful owners cannot be located, and processing of claims filed by individuals and entities claiming ownership of such assets.

Sec. 3-11-3. Course and method of operations

(a) **Executive Office of the Treasurer.** The Treasurer has overall responsibility for the operation of the [agency] Office and provides supervision and direction with regard to all activities of the [agency] Office. By statute, the Treasurer is required to appoint a Deputy, who performs all duties of the Treasurer in case of the sickness or absence of the Treasurer. With the advice and consent of the Investment Advisory Council, the Treasurer appoints a Chief Investment Officer who, under the direction of the Treasurer, advises the Treasurer on investing the State's pension and trust funds portfolio. In addition, the Treasurer appoints Assistant Treasurers, a General Counsel and Chief Compliance Officer who, under the direction of the Treasurer, advise the Treasurer on the investment of funds of the State, oversee the general financing procedure in the borrowing of money by the State, administer the State's unclaimed property program, the Second Injury Fund and the Connecticut Higher Education Trust, and perform such other duties as the Treasurer may direct.

(b) **[Investment] Pension Funds Management Division.** [Under the direction of an Assistant Treasurer, who acts as the agency's chief investment officer,] In accordance with the Investment Policy Statement adopted by the Treasurer and approved by the Investment Advisory Council pursuant to section 3-13b of the Connecticut General Statutes, the division manages the invested assets of the State's [retirement] pension and trust funds for which the Treasurer is the [sole] principal trustee.

[The Investment Division is organized into five units which perform the following functions:

- (1) Fixed Income Unit. This unit manages one domestic bond fund and two short term investment funds. One STIF fund is dedicated to pension assets, the second provides a cash reserve and management service to State agencies and local governments.
- (2) Real Estate Unit. This unit manages all real estate investments largely through the use of external managers. The unit monitors investment performance, makes recommendations on proposed investments, and makes recommendations on the hiring and termination of external managers.
- (3) Operations and Trading Unit. This unit processes all securities transactions, reconciles daily with the master custodian bank all cash balances in the pension investment system, operates an internal domestic equities trading desk, provides administrative support for local government clients in the short term investment fund, and supervises the master custodian bank in the lending of securities.
- (4) Pension Funds Analysis Unit. This unit is responsible for monitoring, evaluating and reporting to the Treasurer and the Investment Advisory Council regarding the external managers of the International Stock Fund, the International Bond Fund, the Mutual Equity Fund (domestic stocks) and the Mutual Fixed Income Fund (domestic bonds), including interviewing and evaluating prospective managers. The unit assists in structuring and funding of assigned investment funds.
- (5) Pension Funds Accounting Unit. This unit is responsible for all investment accounting for pension funds assets, reconciling financial reports of master custodian bank on investment funds. The unit provides financial statements to Treasurer and Assistant Treasurer.]

The division is responsible for oversight of invested assets, either directly or through external investment managers retained by the Treasurer, as well as development of investment strategy and policy, and performs the following duties:

- (1) The division monitors compliance with the asset allocation strategy adopted in the Investment Policy Statement, and manages asset rebalancing as required. Asset classes include public equities, fixed income, private equity, real estate and alternative investments.

Investments are made in domestic, international and emerging markets.

(2) If the Treasurer determines to engage the services of external investment managers, staff will assist in the oversight and management of such managers, monitor contract compliance, evaluate manager and investment performance and make recommendations regarding the retention or termination of such managers.

(3) Staff performs risk management functions, including developing and managing processes for examining a broad spectrum of investment and operational risks across asset classes and investment programs.

(4) Operational functions performed by division staff include investment accounting for pension fund assets, reconciling financial reports of the master custodian bank on investment funds, and providing financial statements to the Treasurer and the Chief Investment Officer.

(5) At the direction of the Treasurer, the division may perform oversight in the selection and review of investment options available to participants in the Connecticut Higher Education Trust.

(c) Cash Management [and Information Services] Division. [Under the direction of an Assistant Treasurer, this] The division is responsible for the coordination of banking services for all State agencies and managing the State's cash transactions, banking relationships, and short-term investments as follows]. The Cash Management Division is organized into three units, each headed by a Director of Cash Management, which perform the following functions]:

(1) Bank Control and Reconciliation. [Unit. This unit tracks the receipts and disbursements of all State agencies, performs revenue accounting duties and prepares an annual financial report to the Governor, which consists of a reconciled statement of receipts and disbursement for each bank utilized by the State, for each State agency and for each fund administered by the Treasurer.

(2) Bank Reconciliation Unit. This unit coordinates the opening and closing of all State bank accounts, including selection and contracting with each bank. The unit reconciles all State vendor, payroll, trust fund, and centralized receipts bank accounts. The unit also performs check administration functions, such as processing stop payments and check reissues, as well as related research.] The division is responsible for assisting State agencies with banking issues and coordinating State banking services, including authorizing the opening and closing of State bank accounts, maintaining bank account records, reconciling Treasury bank accounts, performing administrative services such as processing stop payments and check reissues and procuring new banking services as needed. The division prepares schedules for the annual report to the Governor and, in conjunction with that report, performs annual accounting of the State's internal and external cash flows. The division also authorizes the release of State payroll, retirement and vendor checks, and manages securities pledged under the State's insurance collateral program.

[(3)] (2) Cash Control. [Unit. This unit monitors daily cash needs and maintains, through wire transfers, adequate balances for all agency bank accounts, and in conjunction with this function, analyzes and forecasts the State's cash flow needs. This unit also administers and performs accounting functions for the Short-Term Investment Fund.] The division manages the State's cash movements, which includes developing forecasts of available cash, funding disbursement accounts and concentrating cash from depository banks. The division prepares annual cash flow projections for State and bond rating agencies and for the primary retirement funds, monitors cash receipts and disbursements, places available cash into short-term investment vehicles and prepares the monthly cash report for the State legislature.

(3) Short-term investments. The division manages short-term investments of the State's temporarily surplus cash, which includes managing the Short-Term Investment Fund pursuant to section 3-27 of the Connecticut General Statutes, the Medium-Term Investment Fund (STIF Plus) pursuant to section 3-28a of the Connecticut General Statutes, the Extended Investment Portfolio pursuant to section 3-31a of the Connecticut General Statutes and the Community Bank and Credit Union Initiative pursuant to sections 3-24j – 3-24k, inclusive of the Connecticut General Statutes. Duties include the investment of

assets, monitoring custodian and transfer agent activity and preparing quarterly and annual performance reports on the Funds.

(d) **Debt Management Division.** [Under the direction of an Assistant Treasurer, the] The division manages and coordinates all State of Connecticut bond and note issuance, including general obligation bonds, special tax obligation bonds, clean water fund bonds, University of Connecticut bonds, airport revenue bonds and short term borrowings, if and when the need arises, and maintains an overall program of debt planning and refunding. With respect to such bond and note issuance, the division: (1) coordinates the preparation of official statements and other disclosure documents, (2) coordinates the state's relationship with the credit rating agencies, (3) determines the structure, timing and the purposes included in each bond issue, (4) oversees the work of bond counsel, financial advisors and underwriters, and (5) coordinates the timing and size of bond issues with the expenditures of individual bond fund accounts and the overall cash flow needs of the state. The division also performs several tax-related functions to ensure that bond-fund programs and projects conform to Internal Revenue Code limitations and requirements for federal tax-exempt treatment. [The division manages the College Savings Plan bond issuance program, which involves the special structuring of general obligation bond issues to serve as a means for families to save for college.] The Debt Management Division also [works in behalf of the Treasurer with each of] coordinates the issuance of bonds with the quasi-public authorities which issue [revenue] bonds.

(e) **Second Injury Division.** [Under the direction of an Assistant Treasurer, the] The division is responsible for the operation of the Second Injury Fund as follows: [The division is organized into five units, which perform the following functions:

(1) Claims Unit. This unit (A) reviews legal documents, including voluntary agreements, findings and awards, for errors or omissions, (B) reviews medical reports for claimant status, injury compensability and bill payment authorization, (C) authorizes reimbursement requests from insurance carriers and (D) refers files to the medical case management unit.

(2) Medical Case Management Unit. This Unit's main function is to prevent abuse of Second Injury Fund programs by evaluating each claimant's medical condition and work capacity, providing education to the legal and medical community regarding rehabilitation of claimants and reintroduction of claimants into the work force, and monitoring treatment programs and equipment procurement.

(3) Accounting Unit. This unit is responsible for collecting all employer assessments which fund Second Injury Fund programs, producing bi-weekly claimant benefit checks and checks for insurance carriers and other vendors, and monitoring accounts receivable and reporting uncollectible accounts.

(4) Investigations Unit. This unit investigates employers to determine whether they have insured their worker's compensation risk. The unit investigates employee complaints of lack of worker's compensation insurance as well as initiating its own investigations, testifies at hearings, conducts asset searches and assists the Attorney General in collection actions.

(5) Support Services Unit. This unit maintains a computerized record of all files, provides data processing services for the entire division and provides other support services including mail, telephone, and equipment related services.]

(1) Claims. The division adjudicates second injury, uninsured and employer claims. Staff of the division reviews legal documents for errors or omissions; reviews medical reports for work capacity, injury compensability, treatment program, vocational rehabilitation potential and bill payment authorization; authorizes reimbursement requests for concurrent employment and cost of living adjustments; and negotiates stipulated settlements of claims.

(2) Operations. The division is responsible for all financial operations for the Fund, which include collection of all employer assessments that fund the operations of the Second Injury Fund programs. The division processes bi-weekly claimant benefit checks and checks for insurance carriers and other vendors. Staff monitors accounts receivable, performs audits of insurance companies and self-insured employers, and performs all collection activities, including collection of receivables as in the case of bankrupt or uninsured employers, overpayments, penalties and fines.

(3) Investigations. The division collects information and conducts investigations to detect and prevent fraudulent receipt of benefits, locate assets, assist in the litigation process, and

monitor employer compliance with workers' compensation insurance coverage requirements.

(NEW) (f) **Unclaimed Property Division.** The Unclaimed Property Division is responsible for collecting assets that are legally abandoned, safeguarding such assets and returning assets to the rightful owner when ownership has been proven. Staff of the division is responsible for performing operational and administrative functions as follows:

(1) **Duties with respect to holders.** The division:

- A. Prescribes the form and manner for reporting and payment of abandoned property by holders to the Office of the Treasurer, as required by section 3-65a of the Connecticut General Statutes;
- B. Receives reports of abandoned property filed annually by holders of such property;
- C. Maintains a permanent record of such reports; and
- D. Monitors holder reporting and conducts examination of records, which may be conducted under oath, to determine whether a holder is complying with its duties under the law.

(2) **Collection and maintenance of property.** The division:

- A. Conducts sales of property that the Treasurer has determined should be sold, and retains the proceeds of the sale for the benefit of the owner of the property;
- B. Performs collection activities, including receivables as in the case of bankruptcies, overpayments and penalties;
- C. Maintains computerized records of all abandoned property escheated to the state including holder reports as well as all claims initiated and processed; and
- D. Prepares biennial notice of property presumed abandoned and transferred to the Treasurer in the preceding years.

(3) **Claims administration.** The division:

- A. Provides claim forms and instructions on the documentation required to prove ownership of the various types of property that have been transferred to the Treasurer;
- B. Reviews and processes claims; and
- C. If claimant proves ownership, prepares documentation for settlement of claim and issuance of check.

Sec. 3-11-4. Location of principal office

The Office of the Treasurer is located at 55 Elm Street, Hartford, Connecticut 06106. Normal business hours are from [8:30] 8:00 a.m. to [4:30] 5:00 p.m. daily except Saturdays, Sundays, and holidays.

Sec. 3-11-5. Public information

In conformity with the State's Freedom of Information Act, [(Secs. 1-15 and 1-18a to 1-21k, inclusive of the Connecticut General Statutes)] sections 1-200 to 1-242, inclusive, of the Connecticut General Statutes, it is the policy of the Office of the [State] Treasurer to make available for public inspection all files, records, and documents and other materials within its possession [unless specifically prohibited by state or federal law].

Section 2. Section 3-11-27 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 3-11-27. General nature and purpose of personal data

The Office of the Treasurer maintains the following personal data systems:

(a) Personnel Records

- (1) All personnel records are maintained in the Personnel Office, Office of the [State] Treasurer, 55 Elm Street, Hartford, Connecticut.

- (2) Personnel records are maintained in both automated and manual form.
- (3) Personnel records are maintained for the purpose of retaining payroll, health, discipline and related personnel information concerning employees of the Office of the Treasurer.
- (4) Personnel records are the responsibility of the Personnel Office of the [State] Treasurer, Hartford, Connecticut. All requests for disclosure or amendment of these records shall be directed to the Personnel Administrator.
- (5) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by applicants for employment, the employee's supervisor, the Comptroller's Office, the Department of Administrative Services, [Division of Personnel and Labor Relations,] and State insurance carriers.
- (6) Personal data in personnel records is collected, maintained and used under authority of section 5-193 to 5-268, inclusive, of the Connecticut General Statutes, the State Personnel Act [, Conn. Gen. Stat. Sec. 5-193, et seq].

(b) Second Injury Records

- (1) Second Injury Fund records are maintained at [two locations: (1) Second Injury Fund, Office of the Treasurer, 10 Griffin Road North, Windsor, Connecticut; (2)] the Office of the Treasurer [, 5th Floor Annex], 55 Elm Street, Hartford, Connecticut or at an off-site storage facility in accordance with the State's policy on records retention/disposition.
- (2) Second Injury Fund records are maintained in [the] manual and automated form.
- (3) Second Injury Fund records are maintained to provide a complete inventory of all data required to process and document payment of claims under the jurisdiction of the Treasurer in [his] the Treasurer's role as Custodian of the Second Injury Fund. In addition, records are maintained to document the fraudulent receipt of payments in regard to claims under the jurisdiction of the Second Injury Fund.
- (4) The Assistant Treasurer, Second Injury Fund [division] Division, Office of the Treasurer is responsible for maintaining Second Injury Fund records. All requests for disclosure or amendment of these records shall be directed to the Assistant Treasurer, Second Injury Fund.
- (5) The routine sources of information retained in Second Injury Fund records are documents filed by parties of interest to a claim under the jurisdiction of the Second Injury Fund.
- (6) Second Injury Fund records are collected, maintained, and used under the authority of the Workers' Compensation Act, [Chapter 568, of the Connecticut General Statutes Sec. 31-275 et seq.] sections 31-275 to 31-355b, inclusive, of the Connecticut General Statutes.

(c) Investment Portfolio [Managers] Manager Records

- (1) All investment portfolio manager records are maintained in the [Investment] Pension Funds Management Division, Office of the Treasurer, 55 Elm Street, Hartford, Connecticut or at an off-site storage facility in accordance with the State's policy on records retention/disposition.
- (2) Investment portfolio manager records are maintained in manual and automated form.
- (3) Investment portfolio manager records are maintained in order to provide a record of the qualifications and employment and educational history of managers retained by the Treasurer.
- (4) Investment portfolio manager records are the responsibility of the [Assistant Treasurer-Investments] Chief Investment Officer. All requests for disclosure or amendment of these records should be directed to the [Assistant Treasurer-Investments] Chief Investment Officer.
- (5) The routine [source] sources for information retained in investment portfolio manager

records [is] are SEC Form ADV, submitted by managers in compliance with federal regulations and documents submitted by managers during a procurement or investment search process.

(6) Investment portfolio manager records are collected, maintained and used under the authority of [Conn. Gen. Stat. §] section 3-13a (b) of the Connecticut General Statutes.

(d) Unclaimed Property Records

(1) All unclaimed property records are maintained in the Unclaimed Property [Unit] Division, Office of the Treasurer, 55 Elm Street, Hartford, Connecticut or at an off-site storage facility in accordance with the State's policy on records retention/disposition.

(2) Unclaimed property records are maintained in manual and automated form.

(3) Unclaimed property records are maintained in order to provide a current listing of abandoned property which has been delivered to the Treasurer and has not been claimed by its owner, and to document payments made by the Treasurer to persons filing claims for recovery of abandoned property.

(4) Unclaimed property records are the responsibility of the [Administrator of] Assistant Treasurer, Unclaimed Property. All requests for disclosure or amendment of these records should be directed to the [Administrator of] Assistant Treasurer, Unclaimed Property.

(5) Routine sources for information retained in unclaimed property records are holder reports filed pursuant to [Conn. Gen. Stat. §] section 3-65a of the Connecticut General Statutes and documents including claim forms filed by claimants for recovery of abandoned property.

(6) Unclaimed property records are collected, maintained and used under the authority of [Conn. Gen. Stat. § 3-56a et seq.] sections 3-56a to 3-74a, inclusive, of the Connecticut General Statutes, the state's Unclaimed Property Law.

Section 3. Section 3-11-28 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 3-11-28. Categories of personal data

(a) Personnel Records

(1) The following categories of personal data may be maintained in personnel records:

(A) Educational records.

(B) Medical or emotional condition or history.

(C) Employment or business history.

(D) Other reference records.

(E) Family or personal relationship records.

(F) Addresses and telephone numbers.

[(2) The following categories of other data may be maintained in personnel records:

(A) Addresses.

(B) Marital status.

(C) Telephone numbers.

(3)] (2) Personnel records are maintained on employees of the Office of the Treasurer and applicants for employment with the Office of the Treasurer.

(b) Second Injury Records

(1) The following categories of personal data may be maintained in [second injury fund] Second Injury Fund records:

- (A) Social Security numbers_
- (B) Federal [Tax] tax identification numbers_
- (C) Addresses_
- [(D) Marriage certificates
- (E) Death certificates
- (F) Birth certificates
- (G) Medical records
- (H) Prescription drug records
- (I) Spouse information
- (J) Dependent(s) information
- (K) Wage records
- (L) Employment records
- (M) Injury reports
- (N) Support garnishments
- (O) Liens
- (P) Promissory notes
- (Q) Bank account numbers
- (R) Insurance policy numbers
- (S) Incorporation information
- (T) Unemployment compensation records
- (U) Surveillance reports
- (V) Asset records
- (W) Workers' compensation commission records
- (X) Court records
- (Y) Voluntary agreements
- (Z) Stipulated agreements
- (AA) Compensation payment records
- (BB) Attorney(s) information
- (CC) Physician information]
- (D) Financial records.
- (E) Medical or emotional history records.

(F) Employment or business records.

(G) Family or personal relationship records.

(2) The following categories of other records may be maintained in Second Injury Fund records:

(A) Legal documents, including court records, Workers' Compensation Commission records, and agreements.

(B) Attorney information.

(C) Investigation and surveillance reports.

[(2)] (3) Second [injury fund] Injury Fund records are maintained on individuals seeking [and/or] or receiving payment for workers' compensation claims under the jurisdiction of the [second injury fund] Second Injury Fund. In addition, records are kept on employers of claimants receiving compensation payments from the [second injury fund] Second Injury Fund.

(c) Investment Portfolio Manager Records

(1) The following categories of personal data may be maintained in investment portfolio manager records[.]:

(A) Social [security] Security numbers.

(B) Federal tax identification numbers.

(C) Educational background.

(D) Employment and business history.

(E) Addresses.

(2) Investment portfolio manager records are maintained on applicants and investment portfolio managers retained by the Treasurer.

(d) Unclaimed Property Records

(1) The following categories of personal data may be maintained in unclaimed property records[.]:

(A) Social [security] Security numbers.

(B) Federal tax identification numbers.

[(C)] Bank account numbers

(D) Insurance policy numbers

(E) Birth certificates

(F) Death certificates

(G) Wills

(H) Probate court documents

(I) Marriage licenses

[(J)] (C) Addresses.

(D) Financial records.

(E) Family or personal relationship records.

(2) The following categories of other data may be maintained in unclaimed property records.

(A) Legal documents, including probate court records, wills and powers of attorney.

[(2)] (3) Unclaimed property records are maintained on owners of abandoned property, including but not limited to persons filing claims for recovery of abandoned property.

Section 4. Section 3-11-30(b) of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) Except where nondisclosure is required or specifically permitted by law, the Office of the Treasurer shall disclose to any person upon written request all personal data concerning that individual which is maintained by the [agency] Office. The procedures for disclosures shall be in accordance with the Freedom of Information Act, Conn. Gen. Stat. [Secs.1, 15 and 1-18a to 1-21k] sections 1-200 to 1-242, inclusive. If the personal data is maintained in coded form, the Office of the Treasurer shall transcribe the data into a commonly understandable form before disclosure.

Section 5. Section 3-11-32(c)(1) of the Regulations of Connecticut State Agencies is amended to read as follows:

(1) Investment portfolio manager records are used by the Treasurer in the process of evaluating applicants seeking positions as investment portfolio managers. Users include the [Assistant Treasurer-Investments] Chief Investment Officer and employees in the [Investment] Pension Funds Management Division who assist the Treasurer in selecting investment portfolio managers and others where permitted or required by law.

Section 6. Section 3-13j-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 3-13j-1. Definitions

As used in sections 3-13j-1 to [3-13j-5] 3-13j-3, inclusive, of the Regulations of Connecticut State Agencies:

(a) "Finder's Fee" [shall have] has the meaning as provided in [Section] section 3-13(b)[(1)] of the Connecticut General Statutes;

(b) "Investment services" [shall have] has the meaning as provided in section [9-333n] 9-612(e) of the Connecticut General Statutes;[.]

(c) "Third party fees" [shall have] has the meaning as provided in [Section] section 3-13j(c) of the Connecticut General Statutes; and

(d) "Treasurer" means the Treasurer of the State of Connecticut.

Section 7. Section 3-13j-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 3-13j-2. Disclosure of third party fees

(a) Any person or entity who would be a party to a contract for investment services with the Office of the Treasurer shall disclose to the Treasurer, in writing, all third party fees attributable to such contract before any such contract may take effect.

(b) Any person or entity who is a party to a contract for investment services with the Office of the Treasurer shall disclose to the Treasurer, in writing, all third party fees attributable to such contract. Such disclosure shall be made annually.

(c) [Such] The disclosures required to be made under subsections (a) and (b) of this section shall be made [annually, and] in accordance with the provisions of subsections (d), (e) and (f) of this section, [to the Treasurer by firms seeking to provide investment services] and shall be in a sworn affidavit in substantially the following form:

[(as more fully] set forth in [Section 3-13] section 3-13/ of the Connecticut General Statutes [and regulations thereto):

- (1) Compensation earned for the rendering of legal services when provided by an attorney while engaged in the ongoing practice of law;
- (2) Compensation earned for the rendering of investment services, other than legal services, when provided by an investment professional while engaged in the ongoing business of providing investment services;
- (3) Compensation for placement agent, due diligence or comparable tangible marketing services when paid to a person who is an investment professional (i) engaged in the ongoing business of representing providers of investment services, or (ii) in connection with the issuance of bonds, notes or other evidence of indebtedness by a public agency;
- (4) Compensation earned by a licensed [Real Estate Broker] real estate broker or [Real Estate Salesperson] real estate salesperson while engaging in the real estate business on an ongoing basis; or
- (5) Payments for client solicitation activities meeting the requirements of Rule 206(4)-3 under the Investment Advisers Act of 1940.

(e) Where a provider of investment services describes in its affidavit the specific services performed by a third party payee, the provider of investment services shall disclose any and all contracts evidencing the terms of the fee arrangement and services, and such additional information regarding the third party payee and the actual services provided as the Treasurer may request in order to determine whether such payments are finder's fees.

(f) During the contract term for investment services provided to the Office of the [State] Treasurer, a provider of investment services has a continuing duty to disclose third party fees, in writing, [within sixty (60)] no later than thirty (30) days [upon] after the effective date of any change to a prior disclosure.

Section 8. Section 3-13j-4 of the Regulations of Connecticut State Agencies is repealed.

Section 9. Sections 3-27a-1a to 3-27a-8a, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 3-27a-1a. Definitions

As used in sections 3-27a-1a to 3-27a-8a, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Treasurer" means the Treasurer of the State of Connecticut.
- (2) "Participant" means the individual fund or combined funds for which the [treasurer] Treasurer is custodian [and/or] or trustee; and, the Connecticut Housing Finance Authority, [Connecticut Student Loan Foundation,] and all other agencies, instrumentalities and political subdivisions of the state whose funds are accepted by the [treasurer] Treasurer for investment purposes in the Short-Term Investment Fund.

Sec. 3-27a-2a. [Funds] Entities eligible to participate

In order to be eligible to invest in the Short-Term Investment Fund the [participant] Participant shall be one named or identified in [Sections] sections 3-13c, 3-27a, 3-27b or 3-27f of the Connecticut General Statutes.

Sec. 3-27a-3a. Sale and redemption of certificates of participation

- (a) The Treasurer may sell certificates of participation. The Treasurer shall not send formal evidence of participation, but shall [send] provide (1) confirmations of daily transactions, and (2) monthly statements of account balances.
- (b) Certificates of participation shall be redeemed at the option of (1) the Treasurer, or (2) the Participant upon its giving notice to the [treasurer] Treasurer, in a manner and by a time prescribed by the [treasurer] Treasurer, on the day such redemption is requested.

(c) Certificates of participation shall be purchased by electronic funds transfer, check or other means approved by the Treasurer. Certificates of participation shall be redeemed by wire in same-day funds, or, at the [participant's] Participant's request, by other means approved by the [treasurer] Treasurer.

(d) If the Treasurer determines that a deviation between the Short-Term Investment Fund's amortized cost and the market-based net asset value could affect the Fund's net asset value per share, the Treasurer may temporarily suspend redemptions in order to determine a fair transaction price, pursuant to section 3-27a-6a(d) of the Regulations of Connecticut State Agencies.

Sec. 3-27a-4a. Participant interest distributions

(a) Participant interest shall be determined daily based on the actual earnings of the fund, net of administrative expenses, accounting adjustments, and allocations to the designated surplus reserve.

(b) Participant interest shall be computed on the basis of the actual number of days in the year (365 or 366).

(c) Participant interest shall be paid monthly by (1) check, (2) reinvestment or (3) other means approved by the [treasurer] Treasurer within five business days of the end of each month.

[(d) The Treasurer shall pay to all participants a special interest distribution pursuant to sections 3-27a and 3-27b of the Connecticut General Statutes consisting of actual interest earnings less previously paid interest, administrative costs, and an allocation to the designated surplus reserve, for the months of June through November 1996, in proportion to the total amount of interest earned by all participants according to the current monthly guaranteed rates. The special distribution shall be paid by December 31, 1996.]

Sec. 3-27a-5a. Expenses

All expenses incurred for the operation of the Short-Term Investment Fund [, including expenses incidental for operating the Secondary Market for Student Loans,] shall be paid from the fund and charged as expenses prior to determining daily [participant] Participant interest.

Sec. 3-27a-6a. Designated surplus reserve

(a) The Short-Term Investment Fund shall maintain a designated surplus reserve for possible use in cases of portfolio losses.

(b) Daily allocations to the designated surplus reserve shall be paid from investment income prior to determining [participant] Participant interest, and shall equal, on an annualized basis, one-tenth of one percent of the fund's investments until the reserve equals, at a minimum, one percent of investments; provided, however, the Treasurer may maintain a larger reserve when, in the Treasurer's discretion, adverse market conditions warrant such action.

(c) If net losses significant to the aggregate portfolio occur, they shall be charged against the designated surplus reserve in accordance with the [treasurer's] Treasurer's investment policy. If losses are subsequently recovered, net recoveries shall be credited to the reserve.

(d) If losses exceed the amount then in the designated surplus reserve, the excess losses shall be charged to [participants'] Participants' accounts pro rata.

Sec. 3-27a-7a. Account for the fund

(a) The accounting for the Short-Term Investment Fund shall be consistent with generally accepted accounting principles.

(b) Interest payable to [participants] Participants shall accrue on a daily basis.

(c) Financial statements for the fund shall be prepared [at least quarterly] annually, and reports on the fund's investment performance and the fund's portfolio shall be prepared at least quarterly. The fund's fiscal year shall be the same as the [state's] State's fiscal year.

Sec. 3-27a-8a. Investment policy

The Treasurer shall invest funds of the Short-Term Investment Fund [pursuant to Sections] as authorized in sections 3-27c and 3-27d of the Connecticut General Statutes and in accordance with a written investment policy. Such policy shall be distributed to [participants] Participants annually and whenever it is modified.

Section 10. Section 3-27a-9a of the Regulations of Connecticut State Agencies is repealed.

Section 11. Sections 3-31b-1 to 3-31b-11, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 3-31b-1. Definitions

As used in sections 3-31b-1 to 3-31b-11, inclusive, of the Regulations of Connecticut State Agencies:

(a) “Treasurer” [shall mean] means the Treasurer of the State of Connecticut.

(b) “Participant” [shall mean] means a retirement or trust fund for which the Treasurer is custodian [and/or] or trustee and which is in whole or part combined with other funds for investment purposes in accordance with [Public Act 229 adopted by the 1972 legislature] section 3-31b of the Connecticut General Statutes.

(c) “Securities” [shall mean] mean common stock, preferred stock, convertible preferred stock, bonds, debentures, convertible debentures, warrants, rights, mortgages, limited partnership interests, interests in limited liability corporations and all other evidences of investment or ownership.

(d) “Assets” and “liabilities” shall be defined by generally accepted accounting principles and [will] shall include but not be limited to investments, cash, receivables and payables.

(e) “Cost Value Per Unit” [shall mean] means the [participating retirement or trust fund] Participant’s U.S. dollar cost of acquiring ownership in the combined investment funds divided by the number of units received for such investment dollars. Unit market value shall be determined based on the net [worth] asset value of the investment fund at market value as of the preceding month-end, except for the Liquidity Fund, which is calculated at the end of each business day.

(f) “Market Value Per Unit” [shall mean] means the market or fair value of a combined investment fund at a month-end divided by the units owned by [participating retirement and trust funds] Participants, except for the Liquidity Fund, which is calculated at the end of each business day.

Sec. 3-31b-2. Funds eligible to participate

In order to be eligible for participation in any of the combined investment funds, the [participant] Participant must meet the following criteria:

(a) Be under the control of the Treasurer for investment or custodial purposes.

(b) Have the general characteristics of a perpetual fund, including but not limited to the characteristic of no specific termination date, except for short-term combined investment funds which may be established to accommodate short-term investments.

(c) Have investment objectives and investment authority comparable with the other [participants] Participants in the combined investment funds.

Sec. 3-31b-3. Combined Investment Funds

(a) Currently there are [seven] twelve combined investment funds, but additional funds may be created by the Treasurer if considered appropriate. The combined investment funds may be collectively referred to as the “State of Connecticut Retirement Plans and Trust Funds.” All securities held in such combined investment funds may be held in nominee names designated by the master custodian bank engaged by the Treasurer. The funds now established are as follows:

- (1) [Cash Reserve Account (CRA)--money market instruments--(pension and trust funds only)] Liquidity Fund ("LF")
- (2) Mutual Equity Fund ("MEF") [--domestic equity instruments]
- (3) Developed Market International Stock Fund [(ISF)--foreign equity instruments] ("DMISF")
- (4) [Private Investment Fund (PIF)—private market investments] Emerging Market International Stock Fund ("EMISF")
- (5) Real Estate Fund ("REF") [--venture capital investments]
- (6) [Mutual] Core Fixed Income Fund ("CFIF") [--fixed income securities]
- (7) [Commercial Mortgage Fund (CMF)--commercial real estate debt] Inflation Linked Bond Fund ("ILBF")
- (8) Emerging Market Debt Fund ("EMDF")
- (9) High Yield Bond Fund ("HYBF")
- (10) Commercial Mortgage Fund ("CMF")
- (11) Alternative Investment Fund ("AIF")
- (12) Private Investment Fund ("PIF")

(b) Any other fund established under Section 3-31b of the Connecticut General Statutes [will] shall be governed by [these regulations] sections 3-31b-1 through 3-31b-11, inclusive, of the Regulations of Connecticut State Agencies.

3-31b-4. Ownership of assets of each fund

(a) Each [participant] Participant in each combined investment fund shall have an undivided interest in all the assets of such combined fund. Such interest shall be represented by the number of units owned by the individual [participant] Participant. The percentage of ownership of each [participant] Participant in each fund shall be determined by the number of units owned by the [participant] Participant divided by the total number of units outstanding for the fund. All units shall be equal in value without priority or preference.

(b) Formal certificates of participation [will] shall not be issued to the [participants] Participants but accurate evidence of ownership [will] shall be maintained by the Treasurer and [will] shall be reported at least quarterly to all [participants] Participants.

Sec. 3-31b-5. Admission and withdrawal from each combined investment fund

The actual admission to or withdrawal from each combined investment fund shall be processed only after the fund is valued on a valuation date described in [Sec. 3-31b-6 of these regulations] section 3-31b-6 of the Regulations of Connecticut State Agencies. Except for the initial contribution to the fund and upon such other exceptions made by the Treasurer, admission to and withdrawal from any combined investment fund shall be made solely in cash through the purchase or sale of units. The purchase and sales price of such units [will] shall be the market value per unit of the fund as determined under these regulations.

Sec. 3-31b-6. Fiscal year and valuation dates

(a) The fiscal year of the funds shall be the same as the fiscal year of the state.

(b) Valuation date for each fund shall be as follows:

- [1. Mutual Equity Fund shall be the last business day of each month.
- 2. Mutual Fixed Income Fund shall be the last business day of each month.

3. Cash Reserve account shall be the end of each business day.
 4. International Stock Fund shall be the last business day of each month.
 5. Private Investment Fund shall be the last business day of each month.
 6. Real Estate Fund shall be the last business day of each month.
 7. Commercial Mortgage Fund shall be the last business day of each month.]]
 1. Liquidity Fund shall be as of the close of each business day.
 2. Mutual Equity Fund shall be the last day of each month.
 3. Developed Market International Stock Fund shall be the last day of each month.
 4. Emerging Market International Stock Fund shall be the last day of each month.
 5. Real Estate Fund shall be the last day of each month.
 6. Core Fixed Income Fund shall be the last day of each month.
 7. Inflation Linked Bond Fund shall be the last day of each month.
 8. Emerging Market Debt Fund shall be the last day of each month.
 9. High Yield Bond Fund shall be the last day of each month.
 10. Commercial Mortgage Fund shall be the last day of each month.
 11. Alternative Investment Fund shall be the last day of each month.
 12. Private Investment Fund shall be the last day of each month.
- [8.] 13. Other funds shall have a valuation date as determined by the Treasurer when the fund is established.

Sec. 3-31b-7. Distribution of income

(a) [Income] Except for the Liquidity Fund, net income received by the combined investment funds during the preceding valuation month shall be distributed ratably as dividends to [retirement and trust participants] Participants in accordance with their unit holdings as follows:

(1) Dividends, the amount and frequency to be determined by the Treasurer, shall be declared and paid by the Treasurer to [participants] Participants on or about the 10th business day of any month following valuation.

(2) The dividends [will] shall consist of income received net of expenses by the combined investment funds during the preceding month or such other time period determined by the Treasurer.

(b) For the Liquidity Fund, net income earned shall be credited to Participants daily and distributed to Participants monthly in accordance with their unit holdings.

Sec. 3-31b-8. Method of valuation of each unit

The combined investment funds shall be valued as of the close of business on each valuation date as follows:

(a) Securities listed on exchanges registered with the U.S. Securities and Exchange Commission shall be valued at the closing price on the last trading day of the valuation period. If the security did not trade, the Treasurer shall value the security using one of the following methods which in [his] the Treasurer's opinion best represents fair market value.

- (1) The closing price on the last day the security traded.

(2) The mean between the bid and asked prices on the last trading day of the valuation period.

(b) Unlisted securities shall be valued at the mean of the bid and ask on the last trading day of the valuation period or if there is no bid and ask then such mean on the last trading day a bid and ask is available. If no ask price is reported, the bid may be used.

(c) Prices for the valuation referred to in [sub-paragraphs] subsections (a) and (b) [above] of this section may be obtained from [The] the Master Custodian Bank, a private pricing service designated by the Treasurer, the Wall Street Journal, New York Times or a newspaper having general circulation in the city of Hartford.

(d) With respect to investments without established markets such as limited partnerships and similar instruments, the Treasurer shall determine fair value by relying on appraisals and valuations [estimated] provided by general partners, or [on external rating services] other appropriate methods or sources. In the event that such valuation cannot be [obtained from the above-mentioned] determined from such sources, or [in the event] if, in the opinion of the Treasurer, the [evaluation] valuation is not [realistic] reasonable, the Treasurer shall determine the fair market value of [those securities] the investments, using other appropriate methods or sources.

(e) Securities purchased and awaiting payment against delivery shall be included for valuation purposes as a security held, and the purchase price, including broker's commissions or expenses of the purchase, shall be set up as a liability. Securities sold but not delivered pending receipt of proceeds shall be valued at the net sales price.

(f) The fair market value of rights and warrants when securities are trading ex-rights or ex-warrants together with principal cash shall also be included in determining the total value of the units. Valuation of rights and warrants will be determined in the same manner as that of other securities as described in subsections (a), (b), (c) and (d) [above] of this section.

(g) The net [worth] asset value of the investment fund, including all assets, liability and income components, divided by the total number of units outstanding, shall determine the market value per unit.

Sec. 3-31b-9. Cost value per unit for the [participant] Participant and cost value for the funds

(a) Each [participant's initial] Participant's cost value per unit shall be determined by dividing the total cost of each [participant's] Participant's applicable contributions by the number of units [which has] that have been distributed for those contributions.

(b) The [initial] cost value of each contribution of each [participant] Participant shall be transferred to the combined funds and shall become the cost of that contribution in the combined funds. The sum total of all the cost values of all the contributions shall equal the sum total of the cost values per unit as described in subsection (a) [above] of this section.

(c) All transactions involving the combined funds made after [initial] cost values of the [assets] units have been established will affect the cost value of the funds but will not change the cost value per unit of the [participants] Participants. [Cost] The cost value per unit of the [participant] Participant will change when new [participant] Participant contributions or redemptions are made.

Sec. 3-31b-10. Accounting treatment for combined investment funds

Absent specific regulations to the contrary, all [of] accounting for the combined investment funds shall follow Generally Accepted Accounting Principles (GAAP) as promulgated under the direction of the Financial Accounting Foundation. Preference shall be given to Government Accounting Standards Board pronouncements where applicable.

Sec. 3-31b-11. Accounting treatment of bonds purchased at discount or premium

(a) Liquidity Fund

(1) When bonds are purchased at a premium, the amount of the premium shall be amortized daily, in a straight line basis over the life of the bond. The amortization shall be charged

against income daily.

(2) When bonds are purchased at a discount, the amount of the discount shall be accreted daily on a straight line basis over the life of the bond, and shall be treated as income on a daily basis.

(3) Accretion income shall be distributed.

(b) Other funds

(1) When bonds are purchased at a premium, the amount of the premium shall be amortized monthly on a straight line basis over the life of the bond. The monthly amortization shall be charged against income.

[(b)] (2) When bonds are purchased at a discount, the amount of the discount shall be accreted monthly on a straight line basis over the life of the bond. The monthly accretion shall be reflected as income.

(3) Accretion income [will] shall not be distributed.

(c) When bonds purchased at a discount or premium are sold, the difference between the sale price and the purchase price or amortized or accreted purchase price shall be treated as a realized gain or loss [as defined and outlined in] under Sec. 3-31b-10 of the Regulations of Connecticut State Agencies.

Section 12. Sections 3-22h-2 through 3-22h-8 of the Regulations of Connecticut State Agencies are amended as follows:

Sec. 3-22h-2. Definitions

As used in sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies:

(1) "501(c)(3) Organization" means an organization described in Section 501(c)(3) of the Internal Revenue Code and exempt from taxation under Section 501(a) of the Internal Revenue Code;

(2) "Account" means [the account in the Trust established by a Participant and maintained for a Beneficiary] an account in the Trust, established pursuant to a Participation Agreement between an Account Owner and the Trust, into which Contributions are made for the purpose of meeting the Qualified Higher Education Expenses of a Designated Beneficiary ;

(3) "Account Balance" means the fair market value of an Account as of any specified date;

(4) "Account Balance Limit on Contributions" means the maximum amount, as established by the Trustee from time to time, necessary to provide for the Qualified Higher Education Expenses for a Designated Beneficiary. In no event shall the amount be more than the maximum amount permitted for the Trust to qualify as a Qualified Tuition Program.

[(4)] (5) "Account Owner" means the owner of the Account as provided in the Participation Agreement, or any successor owner;

(6) "Application" means a document that a prospective Account Owner shall complete in order to open an Account in the Trust, which incorporates by reference the terms of the Participation Agreement;

[(5)] "Beneficiary" means a Designated Beneficiary;

(6) "Cash" shall include, but not be limited to, checks drawn on a banking institution located in the United States in U.S. dollars (other than cashiers' checks, travelers' checks or third-party checks exceeding \$10,000), money orders, payroll deduction, and electronic funds transfers. Cash does not include real or personal property;]

(7) "Contribution" [shall have] has the same meaning as under [Section 529 of the Internal Revenue Code] proposed Department of the Treasury Regulation 26 CFR § 1.529-1(c);

[(8)] "Depositor" shall have the same meaning as under the Statute;]

[(9)] (8) "Designated Beneficiary" [shall have] has the same meaning as under [the Statute] section 529 of the Internal Revenue Code;

[(10) “Disability” shall have the same meaning as “being disabled” under Sections 529 and 530 of the Internal Revenue Code;]

[(11)] (9) “Distribution” [shall have] has the same meaning as under Section 529 of the Internal Revenue Code;

[(12)] (10) “Earnings” [shall have] has the same meaning as under Section 529 of the Internal Revenue Code;

[(13)] (11) “Eligible Education Institution” [shall have] has the same meaning as under [the Statute] section 529 of the Internal Revenue Code;

[(14)] (12) “Internal Revenue Code” [shall have] has the same meaning as under the Statute;

[(15)] (13) “Member of the Family” has the same meaning as under Section 529 of the Internal Revenue Code [means an individual who is related to the Beneficiary as listed in subparagraphs (a) through (i) of this definition, together with any changes to such list as may be included, from time to time, in the definition of “Member of the Family” pursuant to Section 529 of the Internal Revenue Code or the Treasury regulations (or proposed regulations) thereunder:

- (a) A son or daughter, or a descendant of either;
- (b) A stepson or stepdaughter;
- (c) A brother, sister, stepbrother or stepsister;
- (d) The father or mother, or an ancestor of either;
- (e) A stepfather or stepmother;
- (f) A son or daughter of a brother or sister;
- (g) A brother or sister of the father or mother;
- (h) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law; or
- (i) The spouse of the Designated Beneficiary or the spouse of any individual described in subparagraphs (a) through (i) of this definition.

For purposes of determining whether a person is a Member of the Family hereunder, a legally adopted child of an individual shall be treated as the child of such individual by blood, and the terms brother and sister include a brother or sister by the half-blood].

[(16)] (14) “Non-Qualified [Withdrawal] Distribution” means a Distribution from an Account other than (A) a Qualified [Withdrawal] Distribution or (B) a Rollover Distribution;

[(17) “Participant” means a Person who has entered into a Participation Agreement pursuant to the Statute and sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies for the payment of Qualified Higher Education Expenses on behalf of a Beneficiary and includes any Depositor as defined in the Statute;]

[(18)] (15) “Participation Agreements” [shall have] has the same meaning as set forth in the Statute;

[(19)] (16) “Person” means any individual, estate, association, unincorporated organization, trust, partnership, limited liability company, corporation, the State of Connecticut or any department thereof, or any political subdivision of the State of Connecticut;

(17) “Program” means [any] the CHET Direct Plan, the CHET Advisor Plan and any other plan that may be established and maintained by the State of Connecticut constituting the Qualified Tuition Program [operated by the] known as the Connecticut Higher Education Trust.

[(20)](18) “Qualified Higher Education Expenses” [shall have] has the same meaning as [set forth in the Statute] under Section 529 of the Internal Revenue Code;

[(21)](19) “Qualified [State] Tuition Program” [shall have] has the same meaning as [set forth in] under Section 529 of the Internal Revenue Code;

[(22)](20) “Qualified [Withdrawal] Distribution” means a Distribution from an Account used exclusively to pay Qualified Higher Education Expenses of the Designated Beneficiary;

[(23)](21) “Rollover Distribution” [means (A) a transfer of funds withdrawn from one Account and deposited to another Account not more than 60 days after the withdrawal of the funds, (B) a transfer of funds from another Qualified State Tuition Program to an Account not more than 60 days after withdrawal of the funds, or (C) a transfer of funds to another Qualified State Tuition Program from an Account not more than 60 days after withdrawal of the funds, in each case to the extent permitted as a rollover distribution as defined in Section 529(c)(3)(C)(i) of the Internal Revenue Code. In each case the transfer shall be made for the benefit of a new Beneficiary who is a Member of the Family of the prior Beneficiary, or, with respect to (B) and (C), for the benefit of the same Beneficiary provided that no other such transfer for the benefit of such Beneficiary has been made within the previous 12 months] is a distribution that satisfies the requirements of Section 529 of the Internal Revenue Code;

[(24)](22) “Scholarship” [shall have] has the same meaning as under Sections 529 and 530 of the Internal Revenue Code;

[(25)](23) “Scholarship Account” means an Account in the Trust established by [a Participant] an Account Owner that is a Scholarship Sponsor and maintained for the benefit of one or more current or future Designated Beneficiaries;

[(26)](24) “Scholarship Sponsor” means the State of Connecticut or a local government in this State, or an agency or instrumentality of this State or local government, or a Section 501(c)(3) Organization, in each case who establishes one or more Accounts as part of a [scholarship] Scholarship program;

(25) “State” means the State of Connecticut;

[27] (26) “Statute” means sections 3-22f to 3-22o, inclusive, of the Connecticut General Statutes;

[(28)](27) “Trust” [shall have] has the same meaning as set forth in the Statute; and

[(29)](28) “Trustee” means the Treasurer of the State of Connecticut in her capacity as Trustee of the Program.

Sec. 3-22h-3. Purposes

The purposes of the Trust are (a) to promote and enhance the affordability and accessibility of higher education for residents of the State of Connecticut, and (b) to enable [Participants] Account Owners and Designated Beneficiaries to avail themselves of tax benefits provided for Qualified [State] Tuition Programs under the Internal Revenue Code and the Connecticut General Statutes.

Sec. 3-22h-4. [Program administration] Administration and management

The Trust shall be administered and managed in compliance with the provisions of the Internal Revenue Code, [(including Section 529, other applicable sections and implementing] regulations promulgated thereunder and published administrative [guidelines] guidance of the United States Department of the Treasury[], the Statute and sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies. The Treasurer shall take such steps as are necessary in order for the Trust to constitute a Qualified Tuition Program under Section 529 of the Internal Revenue Code. Procedures and forms for use in the administration and management of the Trust, or any Program thereof, shall be subject to the approval of the Trustee. If the Trustee [designates] contracts with a third party to [assist or act for the Trustee] provide services with respect to the administration and management of the Trust, or any Program thereof, the references in sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies to the Trust shall govern the performance of such services by such [designee of the Trustee] third party contractor.

Sec. 3-22h-5. Trust participation and participation agreements

(a) **Designated Beneficiary Eligibility.** A Designated Beneficiary may be any individual designated as such in [a Participation Agreement] an Application.

(b) **[Participant] Account Owner Eligibility.** [A Participant] An Account Owner may be any Person (1) who submits to the Trust a completed [Participation Agreement] Application, a Social Security or taxpayer identification number, and an address in the United States, for each of the [Participant] Account Owner and the Designated Beneficiary, and (2) who otherwise meets the qualifications set forth in federal law, Connecticut law, and the regulations governing the Trust. A [Participant] Scholarship Sponsor who establishes a Scholarship Account shall provide the valid Social Security numbers or taxpayer identification numbers and addresses in the United States of each Designated Beneficiary of the applicable Scholarship Account prior to or in connection with a request for a [distribution] Distribution.

(c) **Participation Agreements.** The Participation Agreement shall be incorporated by reference in the Application and set forth the terms governing an Account in the Trust. To participate in the Trust, a prospective [Participant] Account Owner shall submit a completed [Participation Agreement with] Application and an initial Contribution, [a selection of electronic funds transfer or payroll deduction as the method of initial Contribution] as described in the Application. The Participation Agreement shall provide that the [Participant] Account Owner [(and any successor Account Owner)] shall retain ownership of payments made under the Program [through the opening of an account] to an Account in the name of the [Participant] Account Owner and for the benefit of the Designated Beneficiary [designated by such Participant (or the successor Account Owner)]. Only one Account Owner is permitted per Account, except for Accounts established prior to March 13, 2000 for which certain married Participants elected to hold ownership as joint Participants. Only one Beneficiary is permitted per Account, except that Scholarship Accounts may be established for the benefit of one or more present or future Beneficiaries. One or more Participants may establish Accounts for a single Beneficiary]. Any amendment to the Statute or to regulations adopted by the Trustee shall automatically amend the Participation Agreement, and any amendments to the operating procedures and policies of the Program shall amend the Participation Agreement no later than thirty (30) days after adoption by the Trustee. Each Participation Agreement shall provide that the Participation Agreement may be canceled upon the terms and conditions set forth in the Participation Agreement, subject to subsection [(i)] (j) of this section [3-22h-5].

(d) **Accounts.** Upon receipt of a completed Application and an initial Contribution, the Trust shall open an Account in the name of the Account Owner for the benefit of a Designated Beneficiary. Only one Account Owner is permitted per Account, except for Accounts established prior to March 13, 2000 for which certain married individuals elected to hold ownership as joint Account Owners. Only one Designated Beneficiary is permitted per Account, except that Scholarship Accounts may be established by a Scholarship Sponsor for the benefit of one or more present or future Designated Beneficiaries. One or more Account Owners may establish Accounts for the same Designated Beneficiary.

[(d)] (e) **Contributions.** All Contributions to Accounts shall be in [Cash. The maximum amount that may be contributed by a Participant with respect to a Beneficiary may be established by the Trust, from time to time, but in no event shall be more than the maximum amount permitted for the Trust to qualify as a Qualified State Tuition Program.] cash. "Cash" shall include, but not be limited to, checks drawn on a banking institution located in the United States in U.S. dollars, other than cashiers' checks, travelers' checks or third-party checks exceeding \$10,000, money orders, payroll deduction, and electronic funds transfers. Cash does not include real or personal property.

[(e)] (f) **Account Balance Limit on Contributions.** Contributions [for any Beneficiary] to an Account shall be rejected and returned to the extent the amount of the [contribution] Contribution would cause the [total balance] Account Balance of the [account] Account, together with the balance in all other accounts established [under] in the [program] Trust for the benefit of the same [beneficiary] Designated Beneficiary, to exceed the [maximum amount established by the trust from time to time (the "[] Account Balance Limit on Contributions[")]. [In no event shall the account balance limit on contributions be more than the amount permitted under Section 529 of the Internal Revenue Code.]

[(f)] (g) **Changes to Designated Beneficiary.** To the extent such change would not cause the balance in [an Account for] all Accounts established for the new Designated Beneficiary to exceed the Account Balance Limit on Contributions, an Account Owner may change the [Beneficiary] beneficiary designated for an Account to any Member of the Family of the current Designated Beneficiary at any time, without penalty, by submitting a completed change of

Designated Beneficiary form to the Trust in such form as the Trust may specify from time to time. Any change of Designated Beneficiary by an Account Owner other than as permitted in this subsection shall be a Non-Qualified [Withdrawal] Distribution.

[(g)] (h) Rollover Distributions. [To the extent such change would not cause the balance in an Account for the new Beneficiary to exceed the Account Balance Limit on Contributions, an Account Owner may transfer, in a Rollover Distribution, all or part of the Account Balance (1) to an Account, or an account in another Qualified State Tuition Program for another Beneficiary who is a Member of the Family of the current Beneficiary or (2) no more than once in any twelve (12) month period, to an account in another Qualified Higher Education Expenses for the same beneficiary by submitting a completed request for transfer of Account funds in such form as the Trust may specify from time to time.]

(1) To the extent such change would not cause the balance in all Accounts established for the new Designated Beneficiary to exceed the Account Balance Limit on Contributions, an Account Owner may transfer, in a Rollover Distribution, all or part of the Account Balance to:

(A) an Account established for another Designated Beneficiary who is a Member of the Family of the current Designated Beneficiary; or

(B) an account in another Qualified Tuition Program for another beneficiary who is a Member of the Family of the current Designated Beneficiary.

(2) No more than once in any twelve (12) month period, an Account Owner may transfer, in a Rollover Distribution, all or part of the Account Balance to an account in another Qualified Tuition Program for the same Designated Beneficiary.

(3) A request for a Rollover Distribution shall be in such form and accompanied by such documentation as the Trust shall specify.

[(h)] (i) Changes of Account Ownership. An Account Owner may transfer ownership of an Account to another Person, [eligible to be a Participant under the provisions of the Statute and sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies] subject to applicable taxes, if any, and upon receipt of a request for change of Account Owner that satisfies the criteria set forth in this subsection, the transferee shall be considered the Account Owner for all purposes related to the Trust, regardless of the source of subsequent Contributions.

(1) General Rule. Any such change of Account ownership shall be effective provided that the transfer (A) is irrevocable, (B) transfers all ownership, reversionary rights, and powers of appointments [(i.e.), such as the power to change [Beneficiaries] the Designated Beneficiary and to direct Distributions from the Account[]], and (C) is submitted to the Trust on a change of account owner form in such form as the Trust may specify from time to time and completed by the Account Owner [(or, in the event of the death of the Account Owner, by the personal representative of his or her estate[])]. If the [account] Account is held by joint [Participants] Account Owners, each spouse shall execute the transfer of ownership.

(2) Designation of Contingent Account Owners. Any Account Owner who is an individual person may designate a contingent Account Owner for the Account, to become the owner of the Account automatically upon the death of such Account Owner. Joint [Participants-] Account Owners may designate a contingent Account Owner who shall become the Account Owner upon the death of the last surviving joint [Participant] Account Owner. Prior to the initial action taken by the contingent Account Owner following the death of the deceased Account Owner(s), the contingent Account Owner shall provide a certified copy of a death certificate sufficiently identifying said deceased Account Owner(s) by name and Social Security number or taxpayer identification number, or such other proof of death as is recognized under applicable law.

[(i)] (j) Cancellation. [A Participant] An Account Owner may cancel a Participation Agreement at any time by submitting to the Trust a [notice to terminate] written request for such cancellation or by such other method specified in the Participation Agreement [in such form as the Trust may specify from time to time].

[(j)] (k) Separate Accounting. The Trust shall provide separate accounting [(as provided in] in accordance with the requirements of Section 529 of the Internal Revenue Code[]] for each Designated Beneficiary [for each Account].

Sec. 3-22h-6. Payment of benefits; [withdrawals] Distributions

(a) **[Withdrawals] Distributions.** An Account Owner may request a [Withdrawal] Distribution from his or her Account by submitting a completed request for [Withdrawal] Distribution to the Trust in such form as the Trust may specify from time to time, with such certifications and supported by such documentation as is requested by the Trustee.

(b) **Distribution Limitations.** No [distributions] Distributions may be made during the thirty-day period [prior] subsequent to the Trust's receipt of a completed change of Account Owner form or request to change the mailing address of the Account Owner, unless the current Account Owner's signature is signature guaranteed on the request. No Contribution may be [withdrawn] distributed during the ten (10) days after the [program manager's] Trust's receipt of [a] such Contribution.

(c) **Security.** [An] No Account Owner, [or] Designated Beneficiary, or any other Person shall [not] use any Account or other interest in the Trust, or any portion thereof, as security for a loan.

Sec. 3-22h-7. Investments

(a) **General Investment Standards and Objectives.** The Trustee shall invest the funds on deposit in the Trust, together with any income thereon, in a manner that is reasonable and appropriate to achieve the objectives of the Trust, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The Trustee shall give due consideration to rate of return, risk, term or maturity, diversification of the total portfolio within the Trust, liquidity, the projected disbursements and expenditures, and the expected payments, deposits, contributions and gifts to be received. In accordance with the standards established in sections 3-22h-1 to 3-22b-9, inclusive, of the Regulations of Connecticut State Agencies and in the Statute, the Trustee may invest or may retain investment advisers, acting on behalf of the Trustee, to invest funds deposited in [, through the Trust or any investment manager, funds received pursuant to] the Trust. Any such investment shall be made solely in the interest of the Account Owners and Designated Beneficiaries and for the exclusive purposes of providing benefits to Designated Beneficiaries for [qualified higher educational expenses] Qualified Higher Education Expenses and defraying reasonable expenses of administering the Program. An Account Owner or Designated Beneficiary shall not directly or indirectly direct the investment of any Contributions or Earnings of the Trust.

(b) **Delegation of Investment Discretion.** The Trust may delegate to its duly appointed investment [counselor] adviser authority to act in place of the Trust in the investment or reinvestment of all or part of the funds, and may also delegate to such [counselor] adviser the authority to act in place of the Trust in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such funds shall have been invested, as well as the proceeds of such investments and such monies. Such investment [counselor] adviser shall be registered as an investment [advisor] adviser with the United States Securities and Exchange Commission unless exempt from registration.

Sec. 3-22h-8. Additional funds

(a) **Administrative Fund.** Pursuant to the authority in the Statute for the Trustee to establish one or more funds within the Trust, there is hereby created an Administrative Fund. All monies received by the Trust, other than Contributions from [Participants] Account Owners [(and Earnings thereon)], and deposits to the Marketing Fund, shall be deposited in the Administrative Fund. [All penalties required by Section 529 of the Internal Revenue Code to be charged to Participants for Non-Qualified Withdrawals shall be deposited in the Administrative Fund.] The Trustee also may withdraw an annual fee of up to .02% of the average daily net assets of each Program operated by the Trust to pay for the oversight of the Trust and shall deposit such amount into the Administrative Fund.

(1) The assets of the Administrative Fund shall be [deposited in a money market fund, or other such mutual funds] held separate from any other fund and invested as the Trustee shall deem appropriate. All earnings on deposits in the Administrative Fund shall be credited to the Administrative Fund.

(2) Pursuant to the Statute, the Administrative Fund shall be used to support the responsibilities of the Trustee, including meeting expenses for legal, actuarial, accounting, advisory, consulting, marketing and other administrative and financial management services.

(3) Pursuant to the Statute, the Trust may apply for, accept and expend gifts, grants, or donations from public or private sources to enable the Trust to carry out its objectives. These funds shall be deposited in the Administrative Fund, and shall be expended only for the purposes for which they were received.

(4) No funds shall be withdrawn, and no expenses shall be paid from the Administrative Fund except to meet the purposes of the Fund. All withdrawals and expenditures shall require the approval of at least two (2) of the following: the Treasurer, her designee for purposes of the Administrative Fund, the Chief Investment Officer, or the Deputy Chief Investment Officer [Treasurer].

(b) **[Marketing Fund.** A Marketing Fund has been established for the Trust, separate from all other funds and accounts of the Program. An initial contribution shall be made by the Treasurer's designee for purposes of the Marketing Fund in March 2000 and for each of the following four years. Amounts in this Marketing Fund shall be expended by the Trust for unanticipated costs of the Program with the consent of the Treasurer. All funds allocated to the Marketing Fund shall be invested in a mutual fund.] **Other Funds.** The Trustee may establish such other funds within the Trust as are necessary and appropriate to carry out the purposes of the Trust. All monies deposited in and withdrawn from any such fund shall be used solely for the purposes for which such fund was established.

Statement of Purpose:

CERTIFICATION

Be it known that the foregoing (check one) Regulations Emergency Regulations
are (check all that apply) Adopted Amended as hereinabove stated Repealed
by the aforesaid agency pursuant to section(s) _____ of the *General Statutes*
and/or Public Act number(s) _____,

(If applicable) after publication of notice of intent in the *Connecticut Law Journal* on _____,

(If applicable) and the holding of an advertised public hearing on _____;

WHEREFORE, the foregoing regulations are hereby (check all that apply)

Adopted Amended as hereinabove stated Repealed

EFFECTIVE: (check one, and complete as applicable)

When filed with the Secretary of the State

OR (insert date) _____

In Witness Whereof:	DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
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APPROVED by the **Attorney General** as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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Or **DEEMED APPROVED** by the **Attorney General** in accordance with CGS Section 4-169, as amended, due to failure to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
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(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS 4-170(c) as amended

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

- All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
- After approval by the Attorney General, original and eighteen (18) copies of all regulations proposed for adoption, amendment or repeal must be presented to the standing Legislative Regulation Review Committee for its action. (See CGS Section 4-170.)
- Each proposed regulation must be in the form intended for publication and each section must include the appropriate regulation section number and section heading. (See CGS Section 4-172.)
- New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
- Language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
- A new regulation or new section of a regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
- The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
- Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/> .
- A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at <http://www.cga.ct.gov/lco/LCODraftRegu.asp> .